BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting April 4, 2006

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Robert C. Gibbons, at 1:03 P. M., Tuesday, April 4, 2006, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: M. S. "Joe" Brito; Jack R. Cavalier, Vice Chairman; Mark Dudenhefer; Peter J. Fields; Robert C. Gibbons, Chairman; Paul V. Milde III, and George H. Schwartz.

Also in attendance were: Steve Crosby, County Administrator; Joseph L. Howard, County Attorney; and Marty Y. Beard, Chief Deputy Clerk.

Legislative; Presentation of Proclamations.

- Colonel I. James Huntzinger.
- Colonel James M. Lowe.
- Dianna C. Sheesley.
- Declare the Week of April 23-29, 2006, as Citizen Volunteer Appreciation Week.
- Designate April 2006 as Organ and Tissue Donation Awareness Month in Stafford.
- Public Safety Telecommunications Week in Stafford.

<u>Presentation by the Public.</u> The following persons spoke on topics as identified:

Charles Robertson - Volunteer Fire and Rescue retention.

Length of Service Awards Program.

Ruth Carlone - Abel Lake.

Volunteers.

Dredging.

Patricia Kurpiel - Drainage Improvement Programs.

Lou Silver - Transportation.

- Outer Connector.

Courthouse Road congestion.

- Crows Nest.

Lois Johnson - St. George's Estates.

Christine Wedding - Requested Board members speak into microphones.

- Taxes.

- Assessments.

- School budgets and tax rates.

Bill Cook - Planning Commission meetings.

Arch DiPeppe - Planning Commission meetings.

<u>Legislative</u>; <u>Report of the Superintendent of the Schools.</u> Dr. Jean Murray, Division Superintendent of Schools, gave a presentation on current school issues and responded to Board members and Student Representatives questions.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members</u>. Board members spoke on topics as identified:

Mr. Brito - Hartlake Estates.

- Toured construction projects in the County.

- Removed items 7 and 8 from Consent Agenda.

Mr. Cavalier - Woodlands Pool.

- Parks and Recreation Bond Referendum and

Transportation Bond Issue on ballot.

- Requested comprehensive report on Smith Lake

Park.

Mr. Dudenhefer - Homeowners Association top two concerns is

transportation and taxes.

Recent fires in Garrisonville.

- Fire station personnel.

Organ and Tissue Donation Program.

Mr. Fields - Acknowledged Charles Robertson's comments on

volunteers.

Attended Ferry Farm PTA Meeting.

- Impact fees.

- Tax relief for seniors.

Mr. Gibbons - Requested length of service awards program

(LOSAP) comments from County

Administrator.

Cost of Competing.

- Truck traffic from Vulcan Materials on

Garrisonville Road.

- Garrisonville Road.
- England trip.
- Stafford, England trip.
- Comprehensive Plan meeting.

Mr. Milde - England trip.

- Vandalism at Aquia Towne Center.
- Crows Nest.
- R-Board recycling efforts.
- Highways litter.
- Brooke Post Office.
- Courthouse Road West.
- Marriott Hotel on Jefferson Davis Highway.
- Attended meeting of Chaplain Group Home.
- Attended Virginia Railway Express day tour of headquarters.
- Chinese delegation.
- Transfer of funds to VRE.
- Transfer of density legislation.

Mr. Schwartz - Length of Service Awards Program (LOSAP)
Program.

- Requested report on emergency response times.
- Homeowners Associations concerns.
- Constituent phone calls.
- Rowser Complex sign.
- Planning Commission meetings.

<u>Legislative</u>; Consent Agenda. Mr. Cavalier motioned, seconded by Mr. Fields, to adopt the Consent Agenda consisting of Items 1 thru 9, omitting items 2, 7, and 8. Item 4 was deleted from the agenda.

The Voting Board tally was:

Yea: (6) Cavalier, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Absent: (1) Dudenhefer

<u>Item 1. Legislative; Approve Minutes of Board Meeting.</u> Regular Meeting of March 7, 2006; Adjourned Meeting of March 9, 2006; and Adjourned Meeting of March 14, 2006.

<u>Item 3. Finance; Approve Expenditure Listings</u>

Resolution R06-181 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED MARCH 21, 2006 THROUGH APRIL 3, 2006

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that the above-mentioned EL be and it hereby is approved.

Item 5. Public Services; Budget and Appropriate Funds from the Transportation Fund to Participate in the VDOT Feasibility Analysis for Assumption of the Secondary System of Highways by Counties of the Commonwealth of Virginia

Resolution R06-183 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE \$33,455
FROM THE TRANSPORTATION FUND TO PARTICIPATE IN
THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S
FEASIBILITY ANALYSIS FOR ASSUMPTION OF THE
SECONDARY SYSTEM OF STATE HIGHWAYS BY COUNTIES
OF THE COMMONWEALTH OF VIRGINIA

WHEREAS, the Board has expressed its desire to examine opportunities to assume responsibilities for the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) issued a Request for Proposals (RFP), with two deliverables, to analyze the feasibility, including costs and benefits, regarding assumption of the Secondary System of State Highways; and

WHEREAS, following the evaluation of the proposals, a firm was selected and the cost of Deliverable-A will be borne by VDOT; and

WHEREAS, as participating localities receiving benefit of the analysis, Stafford County and Spotsylvania County are to share equally in the cost of Deliverable-B;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that \$33,455 be and hereby is expended in FY2006 from the Transportation Fund for the County's portion of the cost for Deliverable-B.

<u>Item 6. Utilities</u>; <u>Award Contract for Replacement of Pumps at the Aquia Wastewater Treatment Facility.</u>

Resolution R06-176 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT TO REPLACE SCREW PUMPS AT
THE AQUIA WASTEWATER TREATMENT FACILITY

WHEREAS, two (2) original screw pumps installed in 1991 at the Aquia Wastewater Treatment Facility need to be replaced; and

WHEREAS, the Board has appropriated funds in the FY2006 CIP budget to be expended for the replacement of these screw pumps; and

WHEREAS, identical pumps need to be purchased to facilitate installation within the existing concrete structure; and

WHEREAS, Schreiber is the manufacturer of these screw pumps;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that the County Administrator be and he hereby is authorized to execute a contract with Schreiber for the replacement of two (2) screw pumps at a cost not-to-exceed One Hundred Nineteen Thousand Eight Hundred Dollars (\$119,800).

Item 9. Legislative; Approve Proclamations.

Proclamation P06-19 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND LOU ANN HADLOCK

WHEREAS, Lou Ann Hadlock and her husband, Paul, moved to Aquia Harbour in 1983; and

WHEREAS, Lou Ann Hadlock earned a Red Cross Certified Water Safety
Instructor certification and drew upon her experience as a member of the AAU Bowie
High School Bulldogs Swim Team to become Head Coach of the Aquia Harbour
Dolphins Summer Swim Team; and

WHEREAS, Lou Ann Hadlock has been the head site coach at Woodlands Pool since it opened, coaching all age groups from Little Dolphins to Seniors, and supervising five other coaches and 14 training groups composed of more than 200 swimmers; and

WHEREAS, in 1984, Lou Ann Hadlock began coaching with Don Regenbogen for the Quantico Devil Dolphins at Ramer Hall on Quantico Marine Corps Base, eventually taking over the top coaching job with the renowned Devil Dolphins; and

WHEREAS, during her highly successful coaching career, Lou Ann Hadlock coached more than 30 swimmers to National Top 15 and Junior Nationals; helped start the Brooke Point High School swim team with her husband; served as an official and coach consultant with Summer league swim teams; conducted stroke clinics for new swimmers through the Rappahannock Swim League; and started a Masters Swim program at Fitness University; and

WHEREAS, Lou Ann Hadlock also volunteered time from her busy schedule to offer critical water therapy sessions to persons recovering from physical disabilities through a program at Woodlands Pool; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the dedication and enthusiasm with which Lou Ann Hadlock helped countless local swimmers reach their full potential;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that Lou Ann Hadlock be and she hereby is recognized and commended for her service to the community.

Proclamation P06-18 reads as follows:

A PROCLAMATION TO COMMEND COLONEL I. JAMES "JIM" HUNTZINGER (RET.) FOR HIS SERVICE TO THE CITIZENS OF STAFFORD

WHEREAS, I. James "Jim" Huntzinger has been a Stafford resident of the Rock Hill District for many years; and

WHEREAS, I. James Huntzinger was instrumental in creating the Transportation Safety Commission during a time of extraordinary growth in population and demand for transportation improvements, serving as its first Chairman; and

WHEREAS, I. James Huntzinger served as a member of the Stafford Economic Development Authority since 1995, during a time of skyrocketing business growth and unprecedented economic expansion; and

WHEREAS, during his tenure the number of businesses increased by 46% to 1,942, and At Place Employment increased by 90% to 30,471; and

WHEREAS, I. James Huntzinger's leadership in the American Legion Post 290 and his passion for those in need led him to search for ways to better the lives of veterans living in our region; and

WHEREAS, I. James Huntzinger and fellow American Legion member Bill Blasko worked tirelessly to lobby the Veterans Administration, members of Congress and local elected officials to bring a medical facility to the area to serve veterans; and

WHEREAS, these efforts resulted in the dedication of a Veterans Clinic on February 28, 2001, a facility located in the Townsend Office Park in the City of Fredericksburg which serves 5,000 patients from throughout the region; and

WHEREAS, the Board desires to call public attention to the accomplishments of I. James Huntzinger and to his lifelong service to others;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that I. James "Jim" Huntzinger be and he hereby is commended for his service to the citizens of Stafford and the region.

Legislative; Amend Bylaws and Rules of Procedure. Mr. Milde commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-194 with changes.

The Voting Board tally was:

Yea: (6) Dudenhefer, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (1) Fields

Resolution R06-194 reads as follows

A RESOLUTION TO AMEND THE BY-LAWS AND RULES OF PROCEDURE FOR CALENDAR YEAR 2006

WHEREAS, the Board, at its annual meeting, adopted By-Laws and Rules of Procedure for FY2006; and

WHEREAS, the Board desires to amend the adopted By-Laws and Rules of Procedure;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that the 2006 By-Laws and Rules of Procedure, attached hereto, be and they hereby are adopted.

2006 BY-LAWS AND RULES OF PROCEDURE

BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

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2006

BY-LAWS AND RULES OF PROCEDURE STAFFORD COUNTY BOARD OF SUPERVISORS

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Section 1 -- Meetings

Section 1-1 <u>Annual organizational meetings</u>

- A. The first January meeting of each year shall be known as the annual meeting.
- B. The Chairman shall be elected at the annual meeting for a term of one year. The Chairman shall serve until his successor has been elected. The Chairman may succeed himself in office.
- C. Following his election, the Chairman shall assume the Chair and conduct the election of the Vice Chairman.
- D. No member shall serve as Chairman or Vice Chairman for more than two consecutive years.
 - E. Following the election of the Vice Chairman, the Board shall:
 - 1. Establish days, times and places for its regular meetings; and
 - 2. Adopt its By-Laws and Rules of Procedure.

Section 1-2 When regular meetings held

Whenever the regularly scheduled meeting date falls on a legal holiday, the regular meeting shall be held on the following day in accordance with § 15.2-1416 of the Code of Virginia (1950), as amended. The Chairman may cancel any meeting because of inclement weather or disaster and should reschedule any cancelled meeting at the earliest possible date.

Section 1-3 Special Meetings

The Board may hold such special meetings as it deems necessary at such times and places, as it may find convenient; and it may adjourn from time to time. A special

meeting of the Board shall be called pursuant to Section 15.2-1418 of the Code of Virginia (1950), as amended. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the members of the Board and the County Attorney.

Section 1-4 Quorum and method of voting

- A. A quorum shall consist of a majority of the members of the Board of Supervisors.
- B. At meetings of the Board, the presiding officer shall announce which members are absent and the reasons for their absence, if known. Such announcement shall be made immediately after the roll call of members; or, if a member leaves after the roll call, as soon as practicable thereafter. Any absences and the reasons therefore also shall be recorded in the minutes of the meeting.
- C. All questions submitted to the Board for decision shall be voted using the electronic voting board. Any member may request a roll call vote. A green light represents a "Yea" vote and a red light represents a "Nay" vote. The Chairman shall call for the vote and each member shall cast his vote via the electronic voting board. The Chairman shall then call for the Clerk to close the vote. Upon closing the vote, the Clerk shall display the vote as directed by the Chairman. Upon the display of the vote, the Chairman shall announce the vote.
- D. It shall be the duty of every member to vote on issues before the Board of Supervisors. If a member must abstain, he shall state his reason for abstaining for the record. If an abstention occurs, it shall be the responsibility of the Chairman to have the reason for the abstention noted in the official record, if a reason is requested by any member of the Board.

E. A tie vote fails, however, if all members are not present, the question shall be passed by until the next meeting when it shall again be voted upon by the absent member even if all other members are not present. Any member casting a vote due to a tie vote at a previous meeting may request debate on each side of the issue. Said debate shall be limited to three (3) minutes per person.

Section 2 -- Officers

Section 2-1 Chairman and Vice Chairman

The Chairman shall preside at all meetings of the Board of Supervisors. The Vice Chairman serves in the absence of the Chairman. In the absence from any meeting of both the Chairman and the Vice Chairman, the members present shall choose one of their members as a temporary Chairman. The Chairman shall make all appointments to Board of Supervisors' committees. Substitutes or alternates may participate only if so authorized by the Chairman.

Section 2-2 Preservation of order

At meetings of the Board, the presiding officer shall preserve order and decorum.

Section 2-3 Chairman may administer oaths

The Chairman shall have the power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

Section 2-4 Parliamentarian

Except as modified herein or as provided by law, the most current edition of Robert's Rules of Order shall be the parliamentary authority of the Board of Supervisors

using the Rules for small bodies. The County Attorney shall act as Parliamentarian to the Board. Any questions involving the interpretation or application of <u>Robert's Rules of Order</u> shall be addressed to the County Attorney. If the County Attorney is unavailable, the County Administrator shall serve as the Parliamentarian.

Section 2-5 <u>Clerk</u>

The Clerk of the Board shall be the County Administrator as set out in Sections 15.2-1538 and 15.2-1539 of the Code of Virginia (1950), as amended.

Section 3 -- Conduct of Business

Section 3-1 Order of business

A. At the Board's first meeting of the month, the order of business shall be generally as follows:

call to order (1:00 p.m.)
roll call of members
announcement of absences
presentations by the public-I
presentations and committee reports by
members of the Board in rotation
report of the Superintendent of Schools
report of the County Attorney
report of the County Administrator
consent agenda
unfinished business
new business
items added by Board members
closed meeting (if necessary)

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recess
invocation (7:00 p.m.)
Pledge of Allegiance
presentations by the public-II
public hearings
media time
adjournment
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B. At the Board's second meeting of the month, the order of business shall be generally as follows:

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call to order (1:00 p.m.)
roll call of members
announcement of absences
work session
report from VDOT (quarterly)
recess
invocation (7:00 p.m.)
Pledge of Allegiance
presentations by the public
public hearings
consent agenda
closed meeting (if necessary)
media time
adjournment
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- C. The above order of business and times may be modified by the County Administrator should there not be an evening portion of the meeting, or for presentations by VDOT, the Sheriff, etc., and appointments which are occasional in nature.
- D. Presentations and committee reports by Board members are limited to five (5) minutes each. It shall be the responsibility of the Chairman to enforce this rule.

- E. Presentations by the public are governed by the following rules:
 - 1. Comments by the public shall be limited to three (3) minutes for individuals and five (5) minutes for groups.
 - 2. Any person who speaks during the day public presentation portion of the meeting shall not be permitted to speak during the evening period.
 - 3. Though encouraged to complete a speaker's card in advance for record purposes, any person wishing to speak may do so without completion of a speaker card.
- F. No action shall be taken on any committee report unless it is time sensitive. All action shall be scheduled for the next regular agenda.

Section 3-2 <u>Consent agenda</u>

- A. The consent agenda shall be introduced by a motion "to approve the consent agenda," and shall be considered by the Board as a single item.
- B. There shall be no debate or discussion by any member of the Board regarding any item on the consent agenda.
- C. The warrant register and specific items that involve the expenditure of funds which have been approved in the annual County budget may be placed on the consent agenda.
- D. The appointment of individuals to County boards, authorities, commissions, and committees to at-large positions may be placed on the consent agenda, provided that the names and necessary biographical information of the nominees,

including education, are provided to the Board as a part of its package prior to the meeting at which the appointment is to occur.

- E. The acceptance of grants from federal or state agencies and flow-through funds awarded to county entities, departments and agencies may be placed on the consent agenda.
- F. The acceptance of property or the ratification of the purchase of property previously authorized by the Board of Supervisors **may be placed on the consent agenda**.

Section 3-3 <u>Motions</u>

- A. No motion shall be discussed prior to being duly seconded in accordance with these By-laws.
 - B. The Chairman may make a motion without relinquishing the chair.
- C. No member may speak more than twice to the same motion. No member may speak a second time on a motion until every member desiring to speak has spoken.
- D. A substitute motion shall be allowed to any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If a vote on the substitute motion does not dispose of the former motion, the former motion must then be voted. Once a substitute motion is voted upon, a second substitute motion may be made. No more than two (2) substitute motions may be made.

Section 3-4 Appeal to Board

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order or the interpretation of these By-laws. A majority vote of those present is necessary to overrule the Chairman. No second is required on a member's appeal.

Section 3-5 <u>Suspending rules</u>

One or more of these By-Laws and Rules of Procedure may be suspended with the concurrence of two-thirds of the members present.

Section 4 -- Public Hearings

Section 4-1 Chairman to conduct public hearings

The Chairman shall conduct all public hearings.

Section 4-2 Hearing presentations

Hearings may begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the County Administrator. The presentation shall summarize the facts about the issue. Board members' inquiry during the staff's presentation shall be limited to questions about the issue. Discussion or debate about the merits of the proposal shall occur after the close of the public hearing.

Section 4-3 Order of public hearings

The order of public hearings shall be as follows:

A. The Chairman shall open the public hearing.

- B. The applicant or his representative shall be the first speaker(s). There shall be a time limit of five (5) minutes for the applicant's or his representative's presentation, unless extended by the Chair. Any and all representations made by the applicant or his representative to the County on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the County.
- C. The Chairman shall then solicit comments from the public. Each speaker must clearly state his name and address. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes.
- D. After public comments have been received, the applicant or the representative of the applicant, at his discretion, may respond with further information. There shall be a five (5) minute time limit for rebuttal.
- E. Upon the conclusion of the applicant's comments, the Chairman shall close the public hearing.

Section 4-4 Members' participation

Board members shall withhold their comments in public hearings to ensure participation by the public without Board interference.

Section 4-5 Close of hearing

When a public hearing has been closed by the Chairman, no further public comments shall be permitted. Board members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee or a staff member for clarification prior to taking any vote, if a vote is in order.

Section 4-6 <u>Debate</u>

Following the close of the public hearing, the Chairman entertains a motion and a second to dispose of the issue and the Board may debate the merits of the issue.

Section 5 -- Agenda

Section 5-1 Preparation

- A. The Clerk shall prepare an agenda for each regular and special meeting conforming to the order of business specified in Section 3-1(A) entitled "Order of Business". The County Administrator shall coordinate the scheduling of items on the agenda with the Chairman. The Chairman will schedule the topics for the work sessions on the second monthly meeting and special meetings as necessary.
- B. Board members may request that items be placed on the agenda, for discussion, by contacting the County Administrator at least seven (7) business days prior to the Board meeting for which they wish the item scheduled. No such item shall be removed without the consent of the requesting Board member. At the Board's direction, and after it has considered the item, the County Administrator shall place the item on the agenda for the first meeting of the month following the request. When proclamations are requested by a Board member, the County Administrator shall place the name of the requesting Board member on the agenda.
- C. All items requested to be placed on the agenda, which have not been submitted within the prescribed deadline, shall be placed on the next regular agenda for consideration.
- D. Appointments may be placed on the agenda for consideration at any time, provided that no appointments shall be made prior to the annual meeting of the Board for a term beginning on January 1st of the calendar year. All appointments shall be made

between the annual meeting and March 31, 2006. This restriction does not preclude appointments when vacancies occur or when new boards, authorities, commissions and committees are created.

- E. All amendments to the Stafford County Code shall be scheduled for public hearing on a quarterly basis, in March, June, September and December.
- E. Any matter not on the scheduled agenda may be heard provided that such a request is in the form of a motion, duly seconded and voted upon by a majority of the Board. Any such matter must be of an emergency nature, vital to the continued proper and lawful operation of the County.

Section 5-2 <u>Minutes</u>

The Clerk of the Board shall prepare and maintain adequate minutes of the proceedings of the Board in accordance with the requirements of the Code of Virginia (1950), as amended. Each recorded vote shall indicate how each member of the Board voted. Preparation of minutes will not include every aspect of the Board's meetings relating specifically to discussion and debate, but will include all significant events relating to official action. Minutes shall be included as part of the agenda package for the subsequent meeting of the Board.

Section 6 -- General Operating Policy

Section 6-1 Actions by individual members of the Board

A. It shall be the policy of the Board that no one member shall exert individual action or direct any County employee, or any board, authority, commission or committee of the Board, to initiate any action that would require a County employee to perform any action contrary to the laws, ordinances or policies of Stafford County or which would require the expenditure of public funds in

any amount without the approval of the Board. It shall further be the policy that when any Board member writes a letter or memorandum expressing his views, that he place on the same document the following, if appropriate:

This letter, memorandum or document represents only the views of the writer or writers and does not necessarily represent the views of any other member of the Board of Supervisors or the Board of Supervisors as the governing body of Stafford County, Virginia.

B. It is anticipated and expected that a member cast a vote, or otherwise take official action, which is consistent with the position taken by the Board, as expressed in an official vote, while acting on any other board, authority, commission, committee, or other legal entity. By accepting the nomination, the nominee agrees to the adherence of these By-laws.

Section 6-2 <u>Legal action</u>

The Board members, the County Administrator, the County Attorney and any other public official are required to advise the Board prior to filing any civil suit that involves the County. The Building Official, the Zoning Administrator and/or the Fire Marshal, when appropriate, may seek injunctive relief in accordance with the procedures set forth by the County Administrator and the County Attorney.

Section 6-3 <u>Discussion of zoning and land use matters</u>

Board of Supervisors' members shall not engage in discussions or negotiations with applicants on zoning or land use matters prior to the Planning Commission's referral of the matter to the Board of Supervisors.

Section 6-4 **Polling Procedure**

The County Administrator or his designee may separately contact members of the Board of Supervisors for the purpose of ascertaining a member's position with respect to public business, provided the contact does not constitute a meeting as defined in §2.2-3701 of the Code of Virginia.

Section 6-5 Contact of member of Board by citizens

Members of the Board who are contacted by a citizen living in an election district other than the election district which the Board member represents, shall advise the Supervisor in whose election district the citizen resides or owns property of the purpose of the contact.

Section 7 -- Amendments

Section 7-1 <u>Amendments to the By-Laws and Rules of Procedure</u>

The By-Laws and Rules of Procedure may be amended as necessary a majority vote of the Board.

<u>Legislative</u>; <u>Report of the County Attorney</u>. Mr. Joseph L. Howard, County Attorney, commented on the following:

- The addition of two closed meeting items.
- Smith Lake

<u>Legislative</u>; <u>Report of the County Administrator.</u> Mr. Steve Crosby, County Administrator, commented on the following:

- Leadership Institute graduates.
- Meeting 8:00 A.M., Saturday, April 8, 2006, on Comprehensive Plan.

- Public Hearing on County Budgets on April 11,
 2006, at Brooke Point High School.
- Death and contributions of Delegate Parrish.
- Additions.
 - a. Legislative; Discuss River Easement.
- Deletions:
 - a. Item 4. Finance; Budget and Appropriate Insurance Recovery Funds to General Fund Departments.
- Status Report on Length of Service Awards
 Program (LOSAP).

<u>Legislative</u>; <u>Additions and Deletions to the Regular Agenda.</u> Mr. Milde motioned, seconded by Mr. Brito, to approve the additions and deletions to the Regular Agenda.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

<u>Legislative</u>; <u>Closed Meeting Addition</u>: Mr. Fields motioned, seconded by Mr. Cavalier, to add the following items to Closed Meeting:

Acquisition of Crow's Nest Real Property

For Public Purpose (Joseph L. Howard, Jr.)

Acquisition of High School Site Real

Property for Public Purpose (Steve Crosby)

Section 2.2-3711 A3

Code of Virginia

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

<u>Parks and Recreation; Consider Improvements to Woodlands Pool.</u> Mr. Greg Sager, Director of Parks and Recreation, gave a presentation.

Mr. Dudenhefer motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-154.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Resolution R06-154 reads as follows:

A RESOLUTION TO APPROVE A NEW ENCLOSURE FOR WOODLANDS POOL

WHEREAS, the current fabric dome at Woodlands Pool is reaching the end of its useful lifespan; and

WHEREAS, the Board desires to replace the current fabric dome with a new inflated fabric dome with special coating to increase longevity; and

WHEREAS, improvements would include a new deck-mounted lighting system; and

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WHEREAS, monies for these improvements are available from the Park bond

funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 4th day of April, 2006 that the County Administrator be and he

hereby is authorized to begin the procurement process to replace the current fabric dome

at Woodlands Pool with Yeadon Structures in an amount not-to-exceed One Hundred

Seventy-five Thousand Dollars (\$175,000).

Utilities; Authorize a Purchase Agreement for Wetland Credits for the Rocky Pen Run

Reservoir. Mr. Brito commented.

Mr. Keith Dayton, Assistant Director of Utilities, Construction/Maintenance, commented

further.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to defer proposed Resolution R06-69

to the next Board meeting.

Discussion ensued.

The Voting Board tally was:

Yea:

(6) Schwartz, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay:

(0)

(1)

Abstain:

Brito

Utilities; Authorize a Request for Proposals for Engineering Services for a New Water

Treatment Facility. Mr. Brito commented.

Mr. Keith Dayton, Assistant Director of Utilities, Construction/Maintenance, commented

further.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-187.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Abstain: (1) Brito

Resolution R06-187 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ISSUE A REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES FOR THE DESIGN OF NEW WATER TREATMENT AND DISTRIBUTION FACILITIES AT THE ROCKY PEN RUN RESERVOIR

WHEREAS, the Board has selected the Rocky Pen Run Reservoir to meet the present and future water supply needs of the County; and

WHEREAS, these new facilities are necessary to treat water from the Reservoir and transport it to the existing distribution system; and

WHEREAS, engineering services are required to design these proposed facilities; and

WHEREAS, it is necessary for the Board to authorize the solicitation of proposals from firms interested in providing engineering services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that the County Administrator be and he hereby is authorized to issue a Request for Proposals for engineering services for the design of the new water treatment facility at Rocky Pen Run.

Public Services; Consider Recommendations to VDOT and the Commonwealth

Transportation Board for the FY2007-FY2012 Interstate, Primary and Urban Systems

Six-Year Improvement Program. Mr. Fulton deLamorton, Senior Engineer, gave a presentation.

Mr. Brito motioned, seconded by Mr. Dudenhefer, to defer proposed Resolution R06-191.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

<u>Legislative</u>; <u>RADCO Reorganization</u>. Messrs. Eldon James, Interim Executive Director, members Jim Howard and Matthew Kelly gave a presentation on the reorganization.

Discussion ensued.

Hearing no objections from the Board, the Chairman requested this item be placed on a work session at the next Board meeting.

<u>Public Services; Consider the FY2007 Potomac & Rappahannock Transportation</u>

<u>Commission and Virginia Railway Express Subsidies and Authorize Payment.</u> Ms.

Jennifer Straub, Virginia Railway Express, gave a presentation.

Mr. Schwartz motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-174.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Resolution R06-174 reads as follows:

A RESOLUTION TO APPROVE THE FY2007 POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION AND VIRGINIA RAILWAY EXPRESS SUBSIDIES AND AUTHORIZE PAYMENT

WHEREAS, the County is a member of the Potomac and Rappahannock Transportation Commission (PRTC); and

WHEREAS, the County is a participating member of the Virginia Railway Express (VRE); and

WHEREAS, the County's subsidy share of the FY2007 PRTC administrative budget is \$63,561; and

WHEREAS, the County's subsidy share of the FY2007 VRE budget is \$917,147;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that the Board be and it hereby does approve the proposed PRTC and VRE subsidies; and

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BE IT FURTHER RESOLVED that the payment of the subsidies during FY2007 be and they hereby are authorized.

Public Services; Consider the Issuance of Debt for Virginia Railway Express Equipment.

Mr. Schwartz motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-173.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Resolution R06-173 reads as follows:

A RESOLUTION TO APPROVE THE ISSUANCE OF DEBT FOR VIRGINIA RAILWAY EXPRESS EQUIPMENT

WHEREAS, the Northern Virginia Transportation District Commission (NVTC), the Potomac and Rappahannock Transportation District Commission (PRTC), and together with NVTC, the (Commissions) jointly operate the Virginia Railway Express (VRE) commuter rail service in Northern Virginia pursuant to the Master Agreement dated October 3, 1989, as amended (the Master Agreement), among the Commissions and the Participating and Contributing Jurisdictions described in such Master Agreement; and

WHEREAS, the Commissions have the option to purchase 50 bi-level railcars for the VRE on favorable terms, but such option must be exercised by April 28, 2006; and

WHEREAS, the County is a Participating Jurisdiction under the terms of the Master Agreement; and

WHEREAS, the Commissions have recommended forwarding the funding options for the 50 bi-level railcars to the Participating and Contributing Jurisdictions for action; and

WHEREAS, the Master Agreement provides that the Commissions shall utilize reasonable debt financing to the extent that such financing is advantageous to the VRE and is in the interest of the parties to the Master Agreement, but requires that the Commissions not incur debt related to the VRE, other than the initial debt, without the consent of all Participating and Contributing Jurisdictions; and

WHEREAS, the Commissions have recommended that the exercise of the 50 bilevel railcar purchase option described above be financed through the incurrence of additional debt by NVTC in the form of a Federal Railroad Administration (FRA) Railroad Rehabilitation and Improvement Financing Program Loan in an amount not to exceed \$57,500,000, for a term not to exceed 25 years, at an annual rate of interest not to exceed 5.71% (collectively, the FRA Loan);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of April, 2006 that the Board be and it hereby does approve in accordance with the terms of the Master Agreement, to the incurrence of the FRA loan by NVTC to finance the costs associated with the exercise of the option to purchase 50 bi-level railcars for VRE; and

BE IT FURTHER RESOLVED that if required by the FRA as a condition to the making of the FRA loan, the County further consents to the Commissions granting to FRA of security interests in the railcars and/or the Commissions rights to payments under the Master Agreement; and

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BE IT STILL FURTHER RESOLVED that the appropriate officers of the County

are authorized to execute and deliver such agreements, instruments and certificates as

may be necessary to accomplish the foregoing.

<u>Legislative</u>; Closed Meeting. At 4:30 P.M., Mr. Fields motioned, seconded by Mr.

Cavalier, to adopt proposed Resolution CM06-14.

The Voting Board tally was:

Yea:

(7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Resolution CM06-14 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and

discuss in Closed Meeting the acquisition of real property for public purpose in regard to

Crow's Nest and the high school site; and

WHEREAS, pursuant to Section 2.2-3711 A3 VA Code Ann., such discussions

may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this

the 4th day of April, 2006, does hereby authorize discussions of the aforestated matters in

Closed Meeting.

Call to Order. At 5:03 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Fields motioned, seconded by Mr.

Cavalier, to adopt proposed Resolution CM06-14.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Resolution CM06-14 reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD

COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON

APRIL 4, 2006

WHEREAS, the Board has, on this the 4th day of April 2006, adjourned into a

closed meeting in accordance with a formal vote of the Board and in accordance with the

provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective

July 1, 1989, provides for certification that such Closed Meeting was conducted in

conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of

Supervisors does hereby certify, on this the 4th day of April 2006, that to the best of each

member's knowledge: (1) only public business matters lawfully exempted from open

meeting requirements under the Virginia Freedom of Information Act were discussed in

the Closed Meeting to which this certification applies; and (2) only such public business

matters as were identified in the Motion by which the said Closed Meeting was convened

were heard, discussed, or considered by the Board. No member dissents from the

aforesaid certification.

Public Services; Award Contract to Budget and Appropriate Funds for Engineering

Services for the Design of the Drainage Improvement Plans for Grafton Village,

Woodlawn, Vista Woods, Garrisonville Estates and Argyle Hills Subdivisions.

The Deputy County Administrator gave a presentation.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to defer this item to a worksession at the next Board meeting.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

<u>Legislative</u>; <u>Discuss Televising Planning Commission Meetings.</u> Mr. Schwartz commented.

Mr. Schwartz motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-195.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Resolution R06-195 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY
ADMINISTRATOR TO PROVIDE THE TECHNICAL
SUPPORT NECESSARY TO TELEVISE PLANNING
COMMISSION MEETINGS

WHEREAS, the Board televises its meetings to provide the broadest possible access to the official functioning of the governing body to the widest possible audience of citizens of the County; and

WHEREAS, the Board feels that it is important for official meetings to be televised for greater public access, particularly to those citizens who are unable to attend meetings; and

WHEREAS, the Planning Commission of the County makes important decisions and recommendations in connection with subdivision and zoning matters; and

WHEREAS, the public should have the broadest possible access to the decisions and recommendations of required County government commissions, such as the Planning Commission, for purposes of public accountability; and

WHEREAS, the Board has the capability to televise meetings of the Planning Commission and has determined this to be in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that all future Stafford County Planning Commission meetings be televised; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is requested to provide the necessary technical support to accomplish the televising of all Planning Commission meetings.

Legislative; Appoint a Member to the Industrial Development Authority of Stafford and City of Staunton.

Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-203.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Tibor Baksy, Jr.

Resolution R06-203 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF STAFFORD AND THE CITY OF STAUNTON, VIRGINIA, ("THE AUTHORITY")

WHEREAS, the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia, ("The "Authority"), was established by Ordinance O03-34 on June 3, 2003, by the Board; and

WHEREAS, a total of seven (7) Directors are to be appointed initially for staggered terms of four (4) years and subsequent terms shall be four years; and

WHEREAS, one of the four positions will be a "rotating seat" to be filled by the County in its initial first four-year term; and

WHEREAS, the City of Staunton will appoint three individuals to The Authority and will be entitled to fill the rotating seat in its second four-year term;

WHEREAS, the Board has previously appointed the following:

NAME:	EXPIRATION:
Gary M. Oliver	June 30, 2008

June 30, 2009

Rob Alling June 30, 2006

Terry Payne June 30, 2007

WHEREAS, Gary M. Oliver has submitted his resignation; and

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that

<u>NAME:</u> <u>EXPIRATION</u>:

James McMath June 30, 2008

be and he hereby is appointed to the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia.

Legislative; Discuss River Easement. Mr. Brito commented.

Mr. Milde motioned, seconded by Mr. Cavalier, to request the County Administrator further review the issues and report back to the Board.

Discussion ensued.

The Voting Board tally was:

Yea: (4) Gibbons, Milde, Schwartz, Cavalier

Nay: (3) Dudenhefer, Fields, Brito

Recess. At 5:40 P.M., the Chairman called a recess until 7:00 P.M.

<u>Call to Order.</u> At 7:02 P.M., the Chairman called the meeting back to order.

Invocation. Mr. Fields led the Invocation.

<u>Pledge of Allegiance.</u> Mr. Dudenhefer led in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

<u>Presentation of a Proclamation to Commemorate Posthumously Cpl. Brett Lee</u>

<u>Lundstrom.</u> The Chairman presented the proclamation to Cpl. Lundstrom's Mother and Father.

<u>Presentations by the Public-II.</u> The following persons spoke on topics as identified:

Kim Jones - Willowmere Park.

Caleb Jones - Willowmere Park.

Parks and Recreation; Consider an Amendment to a Conditional Use Permit at 21 Willowmere Pond Road. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

Ken White

Gwen Pote

Frank Pote

Filippa Unger

Lawrence Tabar

Christine Denning

Robert Dreistadt

Steve Fleet

Joe Mangin

Ray Piaskowski

Tammy Gonzales

William Blanchard

Tony Greco

Dave Barron

Mary Pope

Shannon Holtrop

Lisa Casias

Cheryl and Donald Cavender

Michael Casias

Bill Gonzales

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R06-179.

Discussion ensued.

Mr. Cavalier made a substitute motion, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-178.

The Voting Board tally on the substitute motion was:

Yea: (3) Cavalier, Dudenhefer, Fields

Nay: (4) Gibbons, Milde, Schwartz, Brito

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Schwartz, to defer this item to a committee of Mr. Cavalier and Mr. Brito.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

<u>Planning</u>; Consider Rezoning 37.84 Acres from A-1 and R-1 to B-2 at 2022 Jefferson <u>Davis Highway</u>. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation on the Rezoning and Conditional Use Permit.

The Chairman opened a public hearing on both issues.

The following persons spoke:

John McGranahan, on behalf of the Applicant

Jodi Williams

Jo Knight

Spencer Hudson

Sparkle Raymond

Byron Crosby

Morris Berryman

Lavette Bumbrey

Carmen Pickard

The Chairman closed the public hearing

Mr. Milde motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-29.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

Ordinance O06-29 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY, WITH PROFFERS, FROM A-1, AGRICULTURAL, AND R-1, SUBURBAN RESIDENTIAL, TO B-2, URBAN COMMERCIAL, ON PROPERTY IDENTIFIED AS ASSESSOR'S PARCELS 30-73B AND 39-62, AQUIA ELECTION DISTRICT

WHEREAS, MediCorp Properties, Inc, applicant, has submitted application RC2600138 requesting reclassification, with proffers, from A-1, Agricultural and R-1, Suburban Residential, to B-2, Urban Commercial, of property consisting of approximately 37.84 acres, located on the south side of Courthouse Road, approximately 2,000 feet east of Jefferson Davis Highway, Aquia Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to reclassify, with proffers, the parcels of land, as shown on the boundary and rezoning plat by Michael M Bagby, P. E., dated January 31, 2006, from A-1, Agricultural and R-1, Suburban Residential, to B-2, Urban Commercial, with the following proffers:

1. <u>Concept Plan.</u> Development of the Property shall be in conformance with the Rezoning and Conditional Use Permit Plan (the "Concept Plan") dated February 2, 2006 and prepared by Bagby, Caldwell and Associates, P.C., insofar as location of structures, travel ways and entrances, and as further modified by these proffered conditions.

- 2. <u>Transportation Improvements (East Campus Only).</u> With construction of the first building on the East Campus as shown on the Concept Plan, the Applicant shall construct the following transportation improvements:
 - A. Route 630 Right-of-Way Dedication: If not already dedicated, the Applicant shall dedicate dedicate and convey in fee simple to the Board thirty-five (35) feet of right-of-way ("ROW") from the existing centerline along the Route 630 (Courthouse Road) frontage of the Property, subject to review and approval by VDOT and Stafford County.
 - B. Route 630 Site Entrance: If not already constructed or bonded for construction, the Applicant shall dedicate right-of-way, if and as necessary, and construct the eastern Property entrance onto Route 630, as illustrated on the Concept Plan and in accordance with VDOT standards, to include an eastbound right turn lane and a westbound left turn lane from Route 630 into the Property.
 - <u>C. Stafford Hospital Boulevard</u>: The Applicant shall construct in accordance with applicable VDOT standards, a four (4) lane divided public street from the westernmost entrance into the East Campus as shown on the Concept Plan to the proposed entrance to the Property from Route 630 (Courthouse Road).
 - <u>D.</u> Route 630 Traffic Signal: The Applicant shall prepare a signal warrant analysis for the installation of a traffic signal at the eastern Property entrance onto Route 630. Pursuant to such signal warrant analysis, and if warranted by VDOT, the Applicant shall design and install such traffic signal. In the event a signal has not been warranted by VDOT when the Applicant desires to proceed with development of the East Campus, the Applicant shall make a cash contribution to the County for the cost of the design and installation of such traffic signal. Such cash contribution shall be made prior to issuance of the first occupancy permit for a use in the East Campus. The amount of the cash contribution shall be based on an estimate provided to the County by a certified engineer; however, in no case shall the contribution exceed One Hundred Sixty Thousand and 00/100 Dollars

(\$160,000.00). This maximum limit on this contribution shall escalate annually, from the time of proffer until tender of payment, by a percentage equal to the annual rate of inflation, as calculated by referring to the Marshall and Swift Building Cost Index.

<u>E. FRED Bus Stop</u>: The Applicant shall coordinate with the Fredericksburg Bus Transit Service ("FRED") or other public transit provider, to locate at least one bus stop in the East Campus and shall provide a standard bus shelter or canopy area adjacent to a building, and include a bench, at such bus stop location.

- 3. <u>Stafford Hospital Boulevard (West Campus).</u> In the event (i) the proposed hospital is constructed on the West Campus as shown on the Concept Plan, and (ii) the portion of Stafford Hospital Boulevard located on the East Campus as shown on the Concept Plan has not been constructed in accordance with paragraph 2.C. above, then the Applicant shall construct in accordance with applicable VDOT standards, two (2) of the four (4) lanes of Stafford Hospital Boulevard from Route 1 to Route 630, as shown on the Concept Plan, prior to issuance of an occupancy permit for the hospital.
- 4. <u>Interparcel Access.</u> The Applicant shall provide right-of-way to accommodate a future point of interparcel access to T.M. 39, Parcel 62A, but shall be under no obligation to construct such connection. Such right-of-way shall be in a location and of a width consistent with applicable VDOT and County requirements and standards.
- Lighting. All lighting, including of signage, shall be provided in accordance with the applicable requirements of the Stafford County Zoning Ordinance. The Applicant shall install lighting within the parking areas that is directed away from residential properties and Courthouse Road (Route 630). Full cut-off lighting shall be used wherever possible, as determined by the Applicant.
- 6. <u>Fire Protection.</u> The Applicant shall install fire protection sprinkler systems in all buildings constructed on the Property.

- 7. Architecture. Building façade materials utilized for the buildings on the East Campus may include, but not be limited to, brick, split-faced block, fluted block, tile, concrete tile, stone, real or simulated wood, glass and/or metal. Standard concrete masonry block shall not be used for the façade of such buildings. Building façades shall be "broken-up" through the use of fenestration and continuous, homogeneous surfaces shall be minimized. Roof-lines shall be articulated with roof-top mechanical equipment screened from view to the maximum extent practicable.
- 8. <u>Loading Areas and Dumpsters.</u> Service and delivery loading areas will be oriented to reduce their visibility from public road frontages. If such facilities are not substantially blocked from view from the public roadways, they will be treated with architectural elements and/or decorative fencing and/or landscaping to minimize their visibility from the public roadways. All freestanding dumpsters on site shall be enclosed. Dumpster enclosures shall be constructed of building materials compatible with or similar to the adjacent building(s) on site.
- 9. Wetlands/Nature Preserve. No land development activities shall be located and/or maintained within the portion of the Property identified on the Concept Plan as Wetlands/Nature Preserve, except for construction of (i) stormwater management/BMP facilities, (ii) utilities, (iii) telecommunications, fiber optic cable and similar facilities, (iv) roadways, and (v) trails. Disturbances permitted within the Wetlands/Nature Preserve shall (i) comply with all applicable laws and regulations, (ii) be designed to minimize the area of disturbance and retain existing vegetation to the extent possible, and (iii) be designed and constructed in a manner to protect water quality.
- 10. <u>Water and Sanitary Sewer.</u> The Property shall be developed using public central water and sewer facilities, which shall be provided to the Property at no cost to the County. Water and sewer lines, pumping stations and related utility equipment shall be extended to the Property in accordance with applicable Stafford County standards and in general conformance with the County's Master

Plan. A temporary sanitary sewer pump station may be constructed as part of this project. The temporary pump station may be located within the Resource Protection Area of the site. Notwithstanding that trees can be removed from the Wetlands/Nature Preserve area for installation of necessary utilities, the Applicant shall submit to the Planning Department a vegetation restoration plan consistent with Chesapeake Bay Act revegetation guidelines, and shall replant in accordance with such plan, to the extent permitted by the County, those portions of the Resource Protection Area which were disturbed due to the construction of the temporary pump station. This restoration plan will be implemented upon the removal of the temporary pump station from the Wetlands/Nature Preserve area. All utility facilities located in the Wetlands/Nature Preserve area shall be set back as far as possible from the existing streambed. Trails located within the Wetlands/Nature Preserve area will utilize the utility easements to the extent practicable to avoid unnecessary clearing and disturbance, but may be placed elsewhere in the Wetlands/Nature Preserve area in accordance with paragraph 8 above.

- 11. <u>Water Quality Monitoring.</u> Access for surface water quality monitoring will be permitted by the Applicant within the vicinity of the stream located on the Property. This access will allow County designated persons to enter the site in order to monitor the quality of water within the stream bisecting the site.
- 12. Existing Gravesites. The gravesites located on the Property shall remain undisturbed until development of a use on the Property occurs, at which time they shall be relocated, if necessary, in accordance with applicable State and County laws. If any graves are not relocated, the Applicant shall work with the Stafford County Cemetery Committee ("SCCC") to provide a fifty (50) foot buffer around such gravesites with appropriate fencing and signage and a long-term cemetery maintenance plan. Prior to relocating any graves, the applicant will complete and submit to the SCCC a Stafford County cemetery survey, which includes a description of the planned relocation.

- 13. Phase II Archaeological Surveys. The Applicant shall conduct a Phase II archeological survey of the archeological sites 44ST817 and 44ST819 identified in the archaeological survey submitted to the County with this application. The Applicant shall follow the recommendations of such Phase II survey and coordinate with the County Cultural Resources Department concerning these sites.
- 14. <u>Existing Structures</u>. Prior to demolition of the existing structures on the Property, the Applicant shall grant permission to SCCC to conduct pedestrian surveys of these buildings, which surveys will consist of taking photographs of the structures and writing architectural descriptions. Such information and photographs will beretained by Stafford County, or an entity designated by Stafford County, for future reference and study of the Stafford County built environment.
- 15. Parking Structure. The parking structure shall be designed to incorporate architectural treatments to visually break up the horizontal expanse of the structure and shall include materials compatible with the associated buildings. The Applicant shall provide landscaping, to the extent reasonably practicable, around the parking structure to visually break up the appearance of the façade of the parking garage as viewed from the public right-of-way through such means as planting of fast growing evergreen trees at 25-30 foot intervals. Lighting within the parking structure shall be of a low intensity design to minimize glare from projecting beyond the parking structure, consistent with providing adequate security lighting.
- 16. Existing Vegetation. The Applicant shall attempt to preserve, to the extent practicable, the existing vegetation along the southern boundary of the Property and along the Route 630 frontage of the Property, removing only the vegetation necessary to construct the improvements shown on the Concept Plan. Where the existing vegetation along the southern boundary of the Property and/or along the Route 630 frontage of the Property, after construction of the improvements does not provide the equivalent plantings of the buffer required by the DCSL, the

Applicant shall plant supplemental fast-growing evergreen trees within and adjacent to such portions of the southern boundary and/or the Route 630 frontage. These supplemental evergreen trees shall be interspersed among the existing deciduous trees to replicate a natural landscape pattern and are not intended to create a continuous screen or hedge appearance.

- 17. Water Tank Lot Reservation. The Applicant shall reserve the approximately 1.615 acre site (the "Water Tower Site") in the northeast corner of the Property and identified on the Concept Plan as a "Water Tower." If (i) a design is approved for constructing a water storage tank on the Water Tower Site, and (ii) funding is available for construction of such Water Tower, then the Applicant shall dedicate to the County, without compensation, such Water Tower Site. If any of the following events occurs, this reservation shall expire and the Water Tower Site shall no longer be subject to this paragraph: (i) the County decides to construct the planned water tower at a location other than the Water Tower Site, or (ii) a Water Tower in this general location is removed as a planned facility from the County's comprehensive planning documents.
- 18. <u>Intensity Credit</u>. All intensity of use attributable to land areas dedicated and/or conveyed to the Board or any other public entity at Applicant's expense pursuant to these proffers (including, without limitation, the dedications referenced above) is hereby reserved to the residue of the Property, if and as permitted by applicable provisions of the Zoning Ordinance.
- 19. <u>Successors and Assigns</u>. Each reference to "Applicant" in this proffer statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.

<u>Planning; Consider a Consider a Conditional Use Permit at 2022 Jefferson Davis Highway.</u>

Mr. Milde motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-188 with changes.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Resolution R06-188 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE
PERMIT, PURSUANT TO APPLICATION CUP2600139, TO
ALLOW A HOSPITAL IN AN HC, HIGHWAY CORRIDOR
OVERLAY DISTRICT; TO ALLOW HOSPITAL AND
MEDICAL CLINIC USES IN A B-2, URBAN COMMERCIAL
ZONING DISTRICT; TO ALLOW AN EXCEPTION TO
THE HEIGHT REQUIREMENT UP TO 90 FEET IN A
B-2, URBAN COMMERCIAL ZONING DISTRICT ON ASSESSOR'S
PARCELS 30-57D AND 73B AND 39-7, 59, 60 AND 62, AQUIA
ELECTION DISTRICT

WHEREAS, MediCorp Properties, Inc., applicant, has submitted application CUP2600139 requesting a Conditional Use Permit to allow a hospital in an HC, Highway Corridor overlay district and to allow hospital and medical clinic uses in a B-2, Urban Commercial Zoning District and to allow an exception to the height requirement up to 90 feet in a B-2, Urban Commercial Zoning District on the above-described property; and

WHEREAS, the application has been submitted pursuant to Table 3.1 of the Zoning Ordinance which permits this use in a B-2, Urban Commercial, Zoning District, and pursuant to Section 28-59(e) of the Zoning Ordinance which permits this use in a

Highway Corridor Overlay District (HCOD), and pursuant to Section 28-38(d) which permits an exception to height regulations, after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that a Conditional Use Permit, pursuant to application CUP2600139, be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is for a hospital and medical/dental clinics to be located on a 70.21 acre site comprised of Assessor's Parcels 30-57D, 73B and 39-7, 59, 60 and 62, in a B-2, Urban Commercial Zoning District and an Highway Corridor Overlay District (HCOD), and for an exception to the maximum height allowed in a B-2 zoning district for the hospital.
- 2. The maximum height allowable for the hospital is ninety (90) feet. No wall-mounted lighting shall be located higher than thirty-five (35) feet on the building.
- 3. The property shall be developed in general conformance with the General Development Plan (GDP), prepared by Michael M. Bagby, P. E., dated February 2, 2006, entitled Stafford Hospital Center Rezoning and Conditional Use Permit Plan.
- 4. No more than 270,000 square feet shall be devoted to clinic activities.

- 5. The applicant shall dedicate sixty (60) feet of right-of-way from the existing centerline along the Jefferson Davis Highway frontage of the property, and reserve an additional twenty (20) feet of right-of-way if needed for the future widening of Jefferson Davis Highway to a six-lane facility.
- 6. The applicant shall dedicate thirty-five (35) feet of right-of-way from the existing centerline along the Courthouse Road frontage of the property.
- 7. The applicant shall construct the following transportation improvements as indicated in the Traffic Analysis prepared by Kimley-Horn and Associates, Inc. dated January 19, 2006:
 - a. A four-lane public road to serve the site, constructed to Virginia Department of Transportation (VDOT) standards, providing connection from Jefferson Davis Highway to Courthouse Road. At least two lanes from Jefferson Davis Highway to Courthouse Road shall be completed prior to the issuance of an occupancy permit for the hospital. The ultimate four-lane road shall be completed prior to the issuance of an occupancy permit for the medical facilities on the "east campus", as shown on the GDP.
 - b. southbound left-turn lane at the entrance on Jefferson Davis Highway.
 - c. A northbound right-turn lane at the entrance on Jefferson Davis Highway.
 - d. Two ingress and two egress lanes from the proposed internal road onto Jefferson Davis Highway, with provisions for a third egress lane if warranted by VDOT.
 - e. A westbound left-turn lane at the Courthouse Road entrance.
 - f. An eastbound right-turn lane at the Courthouse Road entrance.
 - g. Two ingress and two egress lanes from the proposed internal road onto Courthouse Road
 - h. A traffic signal at the entrance on Courthouse Road, if warrants are met, upon review by VDOT of a warrant study.

- i. A traffic signal at the entrance on Jefferson Davis Highway, if warrants are met, upon review by VDOT of a warrant study.
- 8. The applicant shall realign the northernmost section of Old Potomac Church Road generally as shown on the GDP, subject to consent from the owners of the impacted parcel(s). The westernmost entrance into the "west campus" from the proposed internal road shall be designed to accomplish the realignment of Old Potomac Church Road as shown on the GDP, while providing the maximum distance between such entrance and Jefferson Davis Highway as practical.
- 9. The applicant shall coordinate with the Fredericksburg Bus Transit Service (FRED) or other public transit provider to locate at least one bus stop on site and shall provide a standard bus shelter or canopy area adjacent to the hospital building, and include a bench.
- 10. If no additional turn lanes have been constructed by others at the Jefferson Davis Highway/Courthouse Road intersection, then prior to issuance of the first occupancy permit for the West Campus, the applicant shall design and install an emergency traffic interruption device at the existing traffic signal at the current intersection to provide for expedited response by Sheriff and emergency response vehicles.
- 11. The applicant shall work with Stafford County to encourage hospital-related vehicle traffic to utilize alternative means of access, such as the Interstate 95 interchange at Exit 136, to minimize impacts to and disruptions from the Jefferson Davis Highway/Courthouse Road intersection. For office buildings located within the property, Transportation Demand Management (TDM) strategies shall be utilized to attempt to reduce single occupant vehicular (SOV) traffic during peak periods. Lessees/purchasers shall be advised of this TDM strategy. Strategies implemented shall include the following:

- a. TDM materials describing available transit information, car/van pooling formation, alternative work schedules, and the FRED system shall be distributed to building occupants.
- b. Designated parking shall be identified for car pool/van pool use;
- c. Mass transit usage shall be encouraged and promoted through published transit service information made available in campus buildings; and
- d. Bicycle racks and shower facilities shall be provided for the use of office employees.
- e. The applicant shall work with the County to file an emergency evacuation plan for the hospital.
- 12. Two interparcel access points shall be provided to the abutting properties along the southern property boundary, with no obligation from the applicant to construct such connections. One such point of interparcel access shall be located in the "west campus" and one such point shall be located in the "east campus". Such right-of-way shall be in a location and of a width consistent with applicable VDOT and County requirements and standards.
- 13. If a temporary pump station is constructed with the Resource Protection Area, as permitted, the applicant shall submit to the Planning Department a vegetation restoration plan consistent with Chesapeake Bay Act revegetation guidelines, and shall replant in accordance with such plan, to the extent permitted by the County, those portions of the RPA which were disturbed due to the construction of the temporary pump station. This restoration plan will be implemented upon the removal of the temporary pump station. All utility facilities located in the RPA area shall be set back as far as possible from the existing streambed. Any trails located within the RPA area will utilize the utility easements to the extent practical to avoid unnecessary clearing and disturbance.
- 14. Fire protection sprinkler systems shall be installed in all buildings.

- 15. The facade of the hospital building shall be generally consistent with the level of quality, style and visual interest represented on the architectural illustratives prepared by Ellerbe Becket, dated March 17, 2006, referenced as Exhibit A. Building façade materials utilized for the hospital building may include, but not be limited to, brick, split-faced block, fluted block, tile, concrete tile, stone, real or simulated wood, glass and/or metal. Standard concrete masonry block shall not be used for the façade of the hospital building. Building façades shall be "broken-up" through the use of fenestration and continuous, homogeneous surfaces shall be minimized. Roof-lines shall be articulated with roof-top mechanical equipment screened from view. Exterior building materials used in construction of the other buildings located on the property shall be compatible with the exterior building materials used in construction of the hospital building.
- 16. Parking structures shall be designed to incorporate architectural treatments to visually break up the horizontal expanse of the structures and shall include materials compatible with the associated buildings. The applicant shall provide landscaping, to the extent reasonably practical, around the parking structures to visually break up the appearance of the façade of the parking garages as viewed from the public right-of-way through such means as planting of fast growing evergreen trees at 25-30 foot intervals. Lighting within the parking structures shall be of a low intensity design to minimize glare from projecting beyond the parking structure, consistent with providing adequate security lighting. Crime Prevention Through Environmental Design standards shall be utilized.
- 17. Lighting on the Property shall be designed and constructed to minimize light trespass and the view of lighting from off-site, specifically:
 - a. Spillover light onto adjacent properties shall be minimized.
 - b. All exterior light fixtures shall be "full cut-off outdoor lighting fixtures" as defined by the Illuminating Engineering Society of North America (IESNA). Light will be directed inward and downward toward the interior of the property, away from the public streets and the adjacent properties.

- 18. The helistop shall be used to transport patients to the hospital and from the hospital to other specialized medical facilities. There will be no refueling or permanently based flight operations at this helistop. The flight path for the helistop will be determined in conjunction with the Virginia Department of Aviation and the Federal Aviation Administration per Advisory Circular 150/5390 for the design of "Heliports." The approach and take off pathway will be designed to avoid the hospital buildings and adjacent residences and will generally follow the adjacent Stafford Hospital Boulevard. The heliport shall have a concrete landing pad, painted graphics, ground lighting, and an illuminated windsock. The design will incorporate a clear zone of a minimum of 120 feet in diameter. The ground lighting shall be extinguished when not in use.
- 19. Storage of all medications within the medical clinics shall be in secured containers, cabinets or rooms.
- 20. Storage and disposal of infectious or medical wastes or hazardous materials shall be conducted in accordance with federal, state and local guidelines.
- 21. Minor surgery may be permitted within the medical clinics; however, there shall be no use of blood products associated with performing any surgical procedure except as necessary in extreme circumstances.
- 22. There shall be no deliveries on–site to any buildings other than the hospital before 7:00 A.M. or after 9:00 P.M.
- 23. The day care center shall be designed to primarily serve employees of the hospital and other uses located on the property.
- 24. No commercial apartments shall be permitted on site.

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25. Within five (5) years of a final, non-appealable approval of a Certificate of Public

Need for the hospital, the Conditional Use Permit shall expire unless a site plan

has been submitted to the County.

26. This Conditional Use Permit may be revoked or conditions modified for

violations of the conditions or any applicable federal, state or local code.

27. The applicant shall organize a Citizens Advisory Committee consisting of the

immediate neighbors including those identified at the public hearing to meet

regularly and continue the dialogue regarding the issues they raised regarding the

impacts to their property and their quality of life due to construction of Phase 1

and Phase 2.

Parks and Recreation; Convey An Electrical Easement on County-Owned Property at

Willowmere Park. The County Administrator commented.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution

R06-158.

The Voting Board tally was:

Yea: (7)

Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Resolution R06-158 reads as follows:

A RESOLUTION TO AUTHORIZE CONVEYANCE OF AN ELECTRICAL

EASEMENT ON COUNTY-OWNED PROPERTY AT WILLOWMERE PARK

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WHEREAS, an easement is necessary for the construction and installation of

athletic field lighting at Willowmere Park; and

WHEREAS, the Board has carefully considered the recommendation of Staff and

the testimony at a public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 4th day of April, 2006, that the County Administrator be and he

hereby is authorized to convey an electrical easement on County-owned property at

Willowmere Park.

Legislative; Authorize the Execution of an Agreement with the Counties of Caroline,

King George, Spotsylvania, Stafford and The City of Fredericksburg which Establishes

the Rappahannock Area Alcohol Safety Action Program (RAASAP) Board. The County

Attorney gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-128.

The Voting Board tally was:

Yea:

(7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Resolution R06-128 reads as follows:

A RESOLUTION AUTHORIZING THE EXECUTION OF AN

AGREEMENT WITH THE COUNTIES OF CAROLINE, KING

GEORGE, SPOTSYLVANIA, STAFFORD AND THE CITY OF FREDERICKSBURG WHICH ESTABLISHES THE RAPPAHANNOCK AREA ALCOHOL SAFETY ACTION PROGRAM (RAASAP) BOARD

WHEREAS, since July 1, 1988, the Rappahannock Area Alcohol Safety Action Program (RAASAP), serving the local jurisdictions in Planning District 16, has been under the supervision of a local independent policy board to administer the Alcohol Safety Action Program (ASAP) pursuant to Section 18.2-271.1, Code of Virginia (1950), as amended; and

WHEREAS, pursuant to official action of the RAASAP Independent Policy Board, after December 31, 1991, the RAASAP Independent Policy Board shall serve as fiscal and administrative agent;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that the County of Stafford become part of the RAASAP pursuant to Section 15.2-1300 of the Code of Virginia (1950), as amended, endorsing the establishment of the RAASAP Independent Policy Board as administrative and fiscal agent subject to the following provisions:

- 1. The Board may consist of up to 13 members. The governing body of each participating locality, i.e., Caroline County, the City of Fredericksburg, King George County, Spotsylvania County and Stafford County shall have one appointee. Such members shall serve a term of three years.
- Additional members of the Policy Board shall be elected by a majority vote of the five members aforesaid for terms of three years. In addition to the members so selected, the Executive Director of the ASAP program shall be an ex-officio member without voting power.

- 3. The officers of the Policy Board shall consist of a chairman, vice-chairman, a secretary and a treasurer and such subordinate officers as may from time to time be elected or appointed by the Board. The treasurer shall not be the executive director of the program. Each of the officers shall serve without compensation.
- 4. The Policy Board is authorized to adopt bylaws, subject to review by the Stafford County Board of Supervisors, for governing its operation, for control of personnel and operation of the program, and to take such other action not inconsistent with law or with this agreement as its members deem advisable, all by majority vote of its members.
- 5. The program shall be operated by the Policy Board in compliance with the VASAP Commission policies and procedure and local mandates.
- 6. The Policy Board shall be responsible for operation of the program within the participating localities and shall hire and supervise an Executive Director who shall be responsible for implementing operational policies for the program, hiring and supervising the staff of the program, and controlling all revenues and expenditures of the program.
- 7. The Executive Director shall prepare and submit for approval to the policy board for each fiscal year a budget to include client fees and any other available funds as deemed appropriate by the board, but shall include no costs to the participating jurisdictions. The Commission on VASAP shall be responsible for funding any deficit occurring in the operation of the RAASAP.
- 8. An annual report shall be prepared by the Executive Director to include program activities and financial status and submitted to the governing bodies.
- 9. An annual independent audit shall be conducted at the end of each fiscal year.

10. This agreement shall remain in effect continuously from year to year until termination. The participating city and counties may withdraw at any time by official action of the governing body and after 90 days written notice to the

Board. If a locality withdraws, its representative shall no longer serve on the

Board.

11. The program is authorized to acquire real property and such articles of tangible

personal property as the Policy Board deems necessary or advisable for the

operation of the program. Title to property acquired by the Board shall be vested

with the Board so long as two or more local jurisdictions continue to participate in

its operation. In the event that all local units of government withdraw and the

Commission on VASAP withdraws its endorsement, the property owned by the

Board shall be sold at public auction and the proceeds of such sales shall be

apportioned and paid to those units of local government which have participated

since July 1, 1988, and each shall be paid an equal percentage of the proceeds.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-30.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Ordinance O06-30 reads as follows:

AN ORDINANCE TO RESCIND ORDINANCE 092-15 WHICH

ESTABLISHED THE RAPPAHANNOCK AREA ALCOHOL

SAFETY ACTION PROGRAM

WHEREAS, in February 1992 the Board adopted Ordinance O92-15 which

authorized the execution of an agreement with the Counties of Caroline, King George,

Spotsylvania, Stafford and the City of Fredericksburg which established the Rappahannock Area Alcohol Safety Action Program (RAASAP) Board; and

WHEREAS, the Executive Director of the RAASAP has informed the County Administrator that at the time the RAASAP Board was created in 1992, an incorrect section of the State code was used in establishing the Board and has requested that the error be corrected; and

WHEREAS, Staff is of the opinion that adoption of a resolution is desirable in lieu of an ordinance; and

WHEREAS, Resolution R06-128 has been adopted which cites the correct section of the State code establishing the RAASAP; and

WHEREAS, after holding a public hearing the Board desires to rescind Ordinance O92-15;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4th day of April, 2006, that Ordinance O92-15 be and it hereby is rescinded and no longer has any force or effect; and

BE IT FURTHER ORDAINED that Resolution R06-128 has been adopted establishing the Rappahannock Area Alcohol Safety Action Program.

<u>Legislative</u>; <u>Closed Meeting.</u> At 9:55 P.M., Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution CM06-15.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Resolution CM06-15 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting a personnel matter; and

WHEREAS, pursuant to Section 2.2-3711 A1 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 4th day of April, 2006 does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 10:04 P.M., the Chairman called the meeting back to order.

<u>Closed Meeting Certification.</u> Mr. Schwartz motioned, seconded by Mr. Cavalier, to adopt proposed Resolution CM06-15a.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Schwartz

Nay: (0)

Resolution CM06-15a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON APRIL 4, 2006

WHEREAS, the Board has, on this the 4th day of April 2006, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 4th day of April 2006, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Adjournment. At 10:06 P. M., the Chairman declared the meeting adjourned until	
Saturday, April 8, 2006 at 8:00 A. M.	
Steve Crosby	Robert C. Gibbons
County Administrator	Chairman